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10/801,726	03/15/2004	George R. Claseman	MIC-M095	1824

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PATENT LAW GROUP LLP
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SAN JOSE, CA 95134

EXAMINER

NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No. 10/801,726	Applicant(s) CLASEMAN, GEORGE R.	
	Examiner Hanh.Nguyen	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Response filed on 1/16/07.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "A management system" claimed in claim 1 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 14 is objected to because of the following informalities: "the processor element" on line 3 is suggested to be removed to avoid redundancy. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Refer to claim 1, is “a management network coupled to the first and second network elements” on line 5 referred to “a management system coupled to a first and a second network element” on line 1 ? According to specification, page 3, paragraph [008], “the management system includes a management network coupled to a first and a second network element...”. In addition, are “ the first and the second network elements” on line 5 different or identical to “ a first and a second network element” on line 1 ?

In claim 8, on line 3, “ the processor element comprises a first processor element” does not have a definite meaning. Is “ the processor element” on line 3 identical or referred to “ a plurality of processor elements” on line 2 ?

Claims 2-14 are rejected because they depend on claim 1 respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blewett (US Pat. 6,526,448 B1) in view of the Admitted prior art.

In claims 1 and 15, Blewett discloses a management system (see fig.4) comprising: a management network (proxy network 240) coupled to the first and the second network elements (see hosts 112-118 in host network 210 since network element is defined in specification, page 8, paragraph [0023] as host elements), the management network (proxy network 240) supporting a standardized network interface (col.2, lines 42-47; proxy network 240 shown in fig.4 comprises traditional computers provided to communicate with IP network 200, so it inherently supports standard network interface such as IP protocol); and a processor element (fig.4; a selected proxy server 242) coupled to the management network (included in proxy network 240) and communicating with the first network element (see col.5, lines 65 to col.6, line 3; providing overflow support for host network 210) through the management network (through the proxy network 240), the processor element (the selected proxy server 242 or 120) being capable of processing management transactions (col.4, lines 53-61; proxy server 120 receives requests, processes the requests to obtain the requested data from host network 110) transmitted to the first and the second network elements (col.2, lines 60-64; request transmitted to the host network 110) from the client (client 220 or 130; see col.2, lines 15-20) through the data communication network (via Internet 200), the first and the second management transactions are transmitted to the processor element (see fig.3, step 2010, col.4, lines 7-15 and col.4, lines 53-60; proxy server 120 receives several requests), the processor element processes the first and the second management transactions on behalf of the first and the second network elements respectively

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(proxy server 120 provides services on behalf of the network 110 (col.2, lines 65 to col.3, line 4) and processes transactions sequentially by obtaining the requested data from host network 110 (see col.4, lines 55-65)). The management transactions herein Blewett is transmitted from customer client 130, not from a network manger. The Admitted prior art discloses in fig.1, a network manager 12 used to monitor network elements 14 (see specification, page 2, paragraph [0004]. Therefore, it would have been obvious to one skilled in the art to use the network manager taught by the admitted prior art to transmit management transactions to the host network 110, wherein the management transactions are processed by the proxy server 120 on behalf of the host network 110 when the host network 110 is experiencing network congestion.

In claim 8, as disclosed in claim 1, Blewett discloses, in fig.4, the management system (proxy network 240) comprises a plurality of processor elements (proxy server 241-246) coupled to the management network (connected together in the network 240) and the processor element comprises a first processor element of the plurality of possessor elements (a selected proxy server 242; see claim 1 and col.5, lines 55-65), the plurality of processor elements each capable of processing management transactions on behalf of one or more network elements (see claim 1 and col.3, lines 60-65; there are multiple proxy server may be added to process transactions).

In claim 25, Blewett discloses sending a message containing the management transactions from the managed network element to the processor element through the management network (host network 110 transfers the processes or data or request to proxy server 120; col.6, lines 15-22).

In claims 14 and 26, Blewett discloses the first and second management transactions are transmitted through the management network to the processor element by the processor element

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reading respective memory locations of the first and second network elements to retrieve the management transactions (as indicated in col.2, lines 48-55, each host 112-118 stores requests in queues of a buffer. In col.4, lines 15-20; fig.3, the proxy server 120 requests and receives data from host network 110).

In claim 17, Blewett discloses transmitting a message from the managed network element to the processor element identifying the address of the managed network element (fig.3,col.6, lines 17-22; host network 110 transfers the processes and the requested data to proxy server 120) and specifying the operational features of the managed network element (col.2, lines 25-30; operating conditions of host network 110).

In claim 2, Blewett discloses wherein processing management transactions comprises interpreting network management requests from the network manager, forming and sending responses to the network manager, forming instructions for manipulating hardware components of the network elements coupled thereto, and sending notifications to the network manager.

In claim 3, since the proxy 120 of Blewett is a traditional computer (see col.2, lines 42-47) as stated in claim 1. Therefore, having a local processor or embeded processor is seen inherent to one skilled in the art. In addition, the admitted prior art has disclosed in fig.1, the processor element comprises an embeded processor (processor 16; page 2, paragraph [0005]) in the first network element (network element 14).

In claim 4, Blewett discloses the the proxy network 240 comprising servers 241-246 coupled to any number of known network topology (see col.5, lines 40-45). Therefore, inherently, they includes ports connected to each others.

In claims 6 and 18, Blewett discloses the first and second network elements (host servers 112-118) and the processor element (the selected proxy server 242) communicate using a data frame of the standardized network interface (see claim 1, communicating via Ip protocol), the data frame comprising a header field specifying the source and destination addresses, the length of the data frame, a protocol identifier field for identifying the communication protocol being used, and a management protocol data unit field for specifying operational features of the network elements (see col.2, lines 20-30; monitoring operating conditions of host network 110).

In claim 7, Blewett discloses device type (see col., lines 13-18; network element is connected to Internet via T12 telephone line) of network elements; version of network element (hosts server is DNS server; col.2, lines 15-20); and operation features of network element (monitoring operating conditions of host network 110; col.2, lines 25-30).

In claim 11, Blewett discloses the first and second network elements are part of a plurality of network elements being coupled to the management system (see host network 110) , and wherein the primary processor element implements load sharing by assigning a second processor element to handle management transactions for a first group of network elements and a third processor element to handle management transactions for a second group of network elements (Blewett discloses in figure , col.5, lines 40-65; a recruit server 230 maintains a table of all proxy servers, communicates with a selected proxy server 242 with provided information to support overflow for host network 210. In addition, at col.3, lines 60-65, if the host network is more congested, additional proxy servers are engaged to provide services. Therefore, it would have been obvious to assign in Blewett a plurality of proxy servers, each handling

transactions for a respective group of network elements. The motivation is balance network load and reduce network congestion.

In claim 9, Blewett discloses the first processor element comprises the primary processor element (aa recruit server 230; fig.4) of the management system operating to at least manage the functions of the other processor elements (see col.5, lines 45-65; performing administrative processes related to the proxy servers and performs billing functions).

In claims 13, 19, the limitations of this claim have been addressed in claim 1.

In claims 16, 20 and 21, Blewett discloses transmitting a broadcast message from the processor element over the management network, the broadcast message requesting any managed network element to transmit a message in response identifying the address of the responding managed network element (see col.5, lines 22-32; broadcasting messages).

In claims 12, 23 and 24, Blewett discloses does not disclose a redundant processor element to be activated when another processor element is inoperative. However, Blewett discloses in col.4, lines 40-54, that the proxy service permits a server to be placed in service with having to store a priori information content from the host network 110 locally at the the proxy server 120. In addition, it is a well-known in the art that any proxy server 120 in the network 240 can be preset as a redundant proxy server to replace the inoperate proxy server since the objective of the proxy server in Blewett is to support network congestion.

In claim 5, since Blewett disclose Internet network 100 used for routing requests. It is well-known in the art to use an Ethernet network interface in Blewett to couple between the proxy server 120 and the Internet.

Response to Arguments

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Christie, IV (US Pat. 6,445,695 B1);

Angwin et al. (US Pat. 6,167,450) ;

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh Nguyen



**HANH NGUYEN
PRIMARY EXAMINER**